

7-1-1001 Definitions -- Written consent or court order for disclosure by financial institution

-- Exception.

- (1) As used in this part:
 - (a) "Account holder" means a person for whom an account is held by a financial institution.
 - (b) "Governmental entity" means:
 - (i) the state, including:
 - (A) a department;
 - (B) an institution;
 - (C) a board;
 - (D) a division;
 - (E) a bureau;
 - (F) an office;
 - (G) a commission;
 - (H) a committee; or
 - (I) an elected official; and
 - (ii) a political subdivision of the state, including:
 - (A) a county;
 - (B) a city;
 - (C) a town;
 - (D) a school district;
 - (E) a public transit district;
 - (F) a redevelopment agency;
 - (G) a special improvement district; or
 - (H) a taxing district.
 - (c) "Nonprotected record" means a record maintained by a financial institution to facilitate the conduct of the financial institution's business regarding a person or account, including:
 - (i) the existence of an account;
 - (ii) the opening and closing dates of an account;
 - (iii) the name under which an account is held; and
 - (iv) the name, address, and telephone number of an account holder.
 - (d) "Protected record" means a record that is not defined as a nonprotected record.
 - (e) "Record" means information that is:
 - (i) prepared, owned, received, or retained by a financial institution;
 - (ii)
 - (A) inscribed on a tangible medium; or
 - (B) stored in an electronic or other medium; and
 - (iii) retrievable in perceivable form.
- (2) Except for a governmental entity listed in Subsection 7-1-1006(1), an individual acting on behalf of a governmental entity may not request, obtain by subpoena, or otherwise obtain information from a state or federally chartered financial institution that constitutes a record reflecting the financial condition of any person without first obtaining:
 - (a) written permission from all account holders of the account referenced in the record to be examined; or
 - (b) an order from a court of competent jurisdiction permitting access to the record.
- (3) This section does not apply to a review made by the commissioner to determine whether a financial institution is operating in accordance with law.

Amended by Chapter 381, 2009 General Session

